

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
ex rel. SARAH BEHNKE,

Plaintiff,

v.

CVS CAREMARK CORPORATION, *et al.*,

Defendants.

Civil Action

No. 14-824

ORDER

AND NOW, this 28th day of December, 2021, upon consideration of “Plaintiff-Relator’s Brief Pursuant to Court Order Dated July 28, 2021, as Amended” (ECF No. 177) and “Plaintiff-Relator’s Motion for Permission to File 2-Page Reply” (ECF No. 179), and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that:

1. Relator’s motion to file a reply brief (ECF No. 179) is **DENIED**. Relator may, after meeting and conferring with Defendants, file a separate motion with respect to any discovery disputes that remain outstanding.
2. Relator’s request for additional discovery (ECF No. 177) is **GRANTED IN PART**

AND DENIED IN PART as follows:

- a. Defendants shall, within thirty (30) days of the date of this Order, identify which documents from the following categories in the “Missing Documents Table” were, and which were not, the versions sent to the Centers for Medicare and Medicaid Services (CMS): “Annual PDE submissions to CMS for drugs provided to Silverscript Medicare Part D Plan beneficiaries (2010-2016)”;

“Annual PDE submissions to CMS for drugs provided to Aetna Medicare Part D Plan beneficiaries (2011-2015); “Annual Summary DIR Reports submitted by Silverscript to CMS (2010-2016); “Annual Summary DIR Reports submitted by Aetna to CMS (2011-2015).”

- b. Relator’s requests for “Aetna Prescription Drug Event (PDE) Reports,” “Aetna and Silverscript Documents,” and “CVS Reconciliation Look-Alikes” are **DENIED**.
- c. Relator may discover “CVS financial information” by following the cost-shifting procedure set out in the accompanying memorandum opinion.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.